

Minutes



Planning and Zoning Commission Regular Session

Council Chamber
101 W. Abram St.

**December 7, 2011
5:30 P.M.**

The Planning and Zoning Commission of the City of Arlington, Texas, convened in Regular Session on December 7, 2011, at 5:30 p.m. in the Council Chamber at City Hall, 101 West Abram Street, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Kevin McGlaun	*	Chair
Clete McAlister	*	
Maurice Barksdale	*	
Brandon Hill	*	
Vera McKissic	*	Commissioners
Charla Hawkes Vinyard	*	
Larry Fowler	*	
Samuel Smith, III	*	
Jim Parajon	*	Director, Community Development and Planning
Gincy Thoppil	*	Planning Manager, Community Development and Planning
Mack Reinwand	*	Assistant City Attorney

Absent:
Suzanne Key

- I. Called to order at 5:38 p.m.
- II. Pledge was led by Commissioner Barksdale.
- III. Minutes of November 9, 2011, P&Z Regular Session were approved.
- IV. PLAT CONSENT AGENDA AND PUBLIC HEARING FOR PLATS
 - A. Preliminary Plat-W. W. Warnell West Addition, Lots 1 and 2, (Zoned A); generally located north of Turner Way and west of South Cooper Street with the approximate addresses being 1821, 1825, 1899, and 2001 Turner Way

Present to go on record in support of this case was Cliff Mycoskie, MMA Texas, Inc., 200 East Abram Street; and T. Brown, Chesapeake Energy, 100 Energy Way, Fort Worth.

Present to go on record in opposition to this case was Stephanie Stephens, 4809 Starmont Lane.

Maurice Barksdale made a motion to approve Preliminary Plat-W. W. Warnell West Addition, Lots 1 and 2. Seconded by Clete McAlister, the motion carried with the following vote

AYES: Kevin McGlaun, Clete McAlister, Maurice Barksdale, Vera McKissic, Charla Hawkes Vinyard, and Samuel Smith, III

NAYS: None

ABSTAIN: Brandon Hill and Larry Fowler

APPROVED 6-0-2

- B. Replat-Great Southwest Industrial District, Fifth Installment, Community No. 2, Site 28-R, (Zoned IM); generally located east of 109th Street and north of Dalworth Street with the approximate addresses being 3107 and 3201 Dalworth Street
- C. Replat-Turnpike South Addition, Lots 1-B1R and 1-B2R, (Zoned ED-CS); generally located north of West Road to Six Flags Street and east of North Cooper Street with the approximate address being 411 West Road to Six Flags

Present to go on record in support of this case was Jake Fears, Weir and Associates, 701 Highlander Boulevard

Brandon Hill made a motion to approve Items B. and C. of the Plat Consent Agenda. Seconded by Charla Hawkes Vinyard, the motion carried with a vote of 8-0-0.

Items B. and C. of the Plat Consent Agenda APPROVED

V. PUBLIC HEARING FOR ZONING CASES

- A. Zoning Case DP11-1
(Burger King-5701 South Cooper Street)

Application for approval of a new Development Plan on approximately 0.982 acres zoned Planned Development-Community Service (PD-CS), with an expired concept brief; generally located south of West Nathan Lowe Road and east of South Cooper Street

Douglas Cooper, Planning Project Manager I/Development, presented this case.

Present to speak in support of this case was Nathan Pavlice, Fire Brand Properties, 3318 Forest Lane #200, Dallas. He stated that they are in compliance with the stipulation of additional landscaping in the retention area next to the site.

Brandon Hill made a motion to approve Zoning Case DP11-1 with the stipulation that they plant tall, native grasses within the detention pond to the extent possible, replace the Yaupon Hollies with six Bald Cypress trees, and add additional shrubs and grasses in the landscape islands located to the east and west of the detention pond. Seconded by Larry Fowler, the motion carried with a vote of 8-0-0.

APPROVED

Chair McGlaun announced that Item D. SUP11-11 would be heard next and that ZA11-6 and SUP11-9 would be heard together.

D. Zoning Case SUP11-11
(Maharishi Drill Site-601 Avenue H East)

Application for approval of a Specific Use Permit for gas drilling on approximately 6.245 acres zoned Entertainment District-Industrial Manufacturing (ED-IM); generally located north of Avenue H East, east of State Highway 360, and west of 107th Street

Maria Carbajal, Gas Well Coordinator, presented this case.

Present to speak in support of this case was Cliff Mycoskie, MMA Texas, Inc., 200 East Abram Street. He stated that they held a neighborhood meeting on November 17 at the Hilton with neighbors, representatives from the City of Arlington and the City of Grand Prairie. He mentioned that the discussion included the proposed Specific Use Permit, future drilling plans, transportation routes, and royalty information. He said that they will be putting the pad site where the majority of the property can be used for future development. He stated that they are planning on providing vegetative screening to the south of the pad and planting trees along 107th Street. He mentioned that to the north they are proposing an eight-foot masonry wall and fill in the gaps with large six- to eight-inch caliper trees that they will plant immediately. He said that they are proposing to build the wall prior to any activity on the site. He stated that he submitted a list of stipulations at Work Session and would like those to be considered.

Also present to speak in support of this case was Rich Billings, 1917 Creek Wood Drive. He stated that they are members of the Wood Creek Community Group which consists of 230 homes. He mentioned that he was also representing Mojoy Haddad and read an email from him stating his support for this case as the owner of adjacent property, Ballpark Plaza.

Present to speak in support of this case was Stewart Garrison, 1108 107th Street. He stated that he owns property across from the subject property. He mentioned that the subject property has been vacant for some time and his business has been burglarized five times, so having an operation in the vicinity that will be run 24/7 will be a big benefit to him. He said that having anything on that lot rather than have it remain a derelict.

Present to go on record in support of this case was Belinda Billings, 1917 Creek Wood Drive; Nancy Farrar, 5924 Forest Lane, Fort Worth; Jerry Marsalis, 1914 Huntington, Grand Prairie; Jacob Sumpter, MMA Texas, Inc., 200 East Abram Street; George Straughan, 1600 Broadway Suite 1800, Denver, Colorado; Rodney Mellott, 12935 West 81st Avenue, Arvada, Colorado; Jim Lightner, 5070 Pinyon Drive, Littleton, Colorado.

Present to speak in opposition to this case was Michael Cartwright, The Greenhouse, 1171 107th Street, Grand Prairie. He stated that he is the owner of The Greenhouse Spa and they have been there since 1965. He mentioned that he is not against drilling but the way they are proposing the site will be right on top of his business. He said that he will lose millions of dollars in revenue if this happens, as well as the 70 employees who could potentially lose their jobs. He stated that they are very much opposed to this project.

Also present to speak in opposition to this case was Lincoln Davis, 2775 North Highway 360. He stated that he also represented The Greenhouse Spa. He mentioned that Avenue H and Avenue J are the only way in and out of the industrial area, so no matter what route you take, it will cause

congestion. He said that they are not opposed to gas drilling, but he would like to see the drill site moved farther away from their business.

Chair McGlaun explained that the actual transportation route will be decided at the permitting stage and they are welcome to go to City Council and express their concerns also. He asked if there is a particular time of the day that they have a greater concern about the traffic. Mr. Davis answered that their guests come at different times throughout the day. He stated that there are other businesses that have concerns with traffic especially during rush hour. He mentioned that the trucks going in and out will add congestion no matter what time of day.

Commissioner Fowler asked if they would prefer that the southern route be used. Mr. Davis answered that they would, but regardless of what route they use, the driveway is literally 20 feet from their parking lot. He stated that dust and debris from those trucks will get on their cars, their clients' cars, in their pool, and will take them more time to keep it all cleaned.

Present to go on record in opposition to this case was Kimberly Franklin, 2708 August Lane; Stephanie Stephens, 4809 Starmont Drive.

Rebuttal: Mr. Mycoskie stated that they are aware of the access concerns and it's one of the reasons they are proposing the 25-foot voluntary buffer with the eight-foot masonry wall and trees. He mentioned that they are proposing to pave the road, so they won't have as much dust and debris. He said that they will continue to work with The Greenhouse Spa to address their concerns.

Commissioner McAlister asked if the entrance that they proposing is the only way to get to the drill site. Mr. Mycoskie answered that currently it is. He stated that there is an existing curb cut on 107th Street which makes this the logical choice. He mentioned that if they move the entrance, they would have to make another curb cut.

Larry Fowler made a motion to approve Zoning Case SUP11-11 with the following stipulations:

1. An electric or hybrid electric rig shall be used.
2. Newark Energy will identify all private water wells within 1,000 feet of the pad site boundary and will test those wells identified if authorized by the property owner.
3. Newark Energy will provide an ambient air base-line test before drilling operations commence.
4. Newark Energy will comply with the highest noise standards between the City of Grand Prairie and Arlington.
5. A 40-foot buffer of trees and vegetation will be preserved along the west and north sides of the pad site.
6. An eight-foot masonry wall with landscaping will be offered along our access drive adjacent to The Greenhouse Spa and will be installed prior to drilling activity.
7. A 25-foot buffer will be provided along the east and south sides of the final production pad.
8. Newark Energy will work with the City on the best transportation route and roadway to be utilized.
9. A frac pond will not be used for this site if adequate water supply is available for drilling operations.
10. The proposed access drive will be constructed of an asphalt or concrete material.

Seconded by Brandon Hill, the motion carried with a vote of 8-0-0.

APPROVED

B. Zoning Case ZA11-6
(Rush Creek Drill Site-4950 South Bowen Road)

Application to change the zoning on approximately 55.066 acres zoned Planned Development (PD) for data processing office and training center facilities with final development plan to Office (O); generally located south of Interstate 20 Highway and west of South Bowen Road.

Maria Carbajal, Gas Well Coordinator, presented this case.

Present to speak in support of this case was Cliff Mycoskie, MMA Texas, Inc., 200 East Abram Street. He stated that existing trees will act as a visual buffer from Bowen Road. He mentioned that the access point will be at the Bowen/Bardin intersection using City right-of-way. He said that they are proposing to plant additional trees along the north, east and south sides of the pad. He stated that they will not be planting trees on the west side because of the flood plain and the existing trees.

Also present to speak in support of this case was Charles Davis, Chesapeake Energy. He stated that DFW Midstream will be their distributor from this site. He mentioned that there will be little or no residential impact from this site. He said that in the meetings with the neighbors, sound was a big issue. He stated that is why Chesapeake is committing to using an electric rig at this site. He mentioned that they will be making application to Oncor to provide power. He said that in addition to using the electric rig, they will also be using the sound attenuation blankets and mufflers as needed. He stated that since this site is below street level, most of the sound is not going to carry to the east. He mentioned that when they asked Halff and Associates to do a traffic study, average travel on Bowen Road is 19,000 vehicle trips per day, so when you compare their proposed traffic, it is a minor impact of truck traffic. He said that he feels that they can meet the needs of Chesapeake, the lessors, and mitigate the concerns of the community.

Also present to speak in support of this case was Sharyn Money, 4119 Meadow Park Drive. She stated that she lives close to a pad site that was done at Park Springs and Interstate 20. She mentioned that there was no disruption with the truck traffic there. She said that there was a pad site near her house and there were no problems.

Also present to speak in support of this case was Ben Soedjono, 3609 McKamy Oaks Drive. He stated that he has some experience in this industry as well as living in the area. He mentioned that there have been improvements in the technology, so there is no reason why there should not be a drill site here.

Also present to speak in support of this case was Helen Miller, 5009 Cotillion Court. She stated that she travels by the Park Springs, Interstate 20 site almost every day and there has been no disruption. She mentioned that she is in favor of this drill site because she feels it will be good for the community. She said that it will mean more revenue in the City.

Also present to speak in support of this case was Bob Senay, 3216 Village Oak Drive. He gave petitions to the Planner. He stated that Oak Lake has 113 homes and most of those homes are occupied by only one person. He mentioned that those occupants usually are on a fixed income. He said that many other homes are occupied by retired persons. He stated that their four-acre lake is dying because of trash and debris that is coming from upstream. He mentioned that they got an estimate on getting the lake cleaned up and that was \$140,000 to dredge one-third of the lake. He said that the only way they can do this is to have a long-term increase in revenue, so they can save their lake.

Also present to speak in support of this case was Del Heskett, 4715 Westhaven Road. He stated that they need the money, not only for their community, but for their own households. He mentioned that we need to generate our energy here at home and not overseas. He said he was raised on a farm near an oil patch, so having this close to his home is no problem for him.

Also present to speak in support of this case was June Cox, 4733 Oak Club Drive. She stated that she lives near Oak Lake and it is a very caring community. She mentioned that the lake has begun to erode, so they assessed themselves how to protect it. She said that the lake has to be dredged at a significant cost, so the drilling will help them save it.

Also present to speak in support of this case was Karen Borgie, 4710 Village Oak Drive. She stated that she is also a resident of Oak Lake and everything that has been said about the community is true. She mentioned that she has no financial stake in this project, so her interest is in help to the community.

Also present to speak in support of this case was Wendell Chantry, 3101 Lake Oak Drive. He stated that he was engaged in the oil/gas industry for nearly 60 years. He mentioned that he feels that he has more knowledge and knows the business from the ground up and that this is one of the best gas sites to come before this Commission.

Also present to speak in support of this case was Kenneth Kilinski, 4723 Oak Club Drive. He stated that he has only one thing to say: It's his money and he wants it now.

Also present to speak in support of this case was Ron McGough, 2409 Villa Vera Drive. He stated that the City Council approved a new gas drilling ordinance last night and that should cover any concerns anyone might have. He read an article he had seen on the internet regarding the positive financial impact of this site.

Also present to speak in support of this case was Robert Haelle, 4012 Coronet Lane. He stated that he is the neighborhood leader and that this site will be a benefit to the community.

Also present to speak in support of this case was James White, 4118 Coronet Lane. He stated that as an architect, he has reviewed the Case Report. He mentioned that, once developed, this site will be virtually invisible not including the heavy tree growth on the eastern side. He said that the transportation route using Bardin Road should not be considered because of the wear and tear on the road. He stated that the gas well site developer should be required to update the existing traffic signal at Bowen and Bardin Road for vehicle control and to better manage safety.

Also present to speak in support of this case was Lynnette Williams, 3004 Spring Oak Place. She stated that the revues generated by the Rush Creek well site would greatly benefit the community and the City of Arlington.

Also present to speak in support of this case was Billy Henry, 4739 Oak Club Drive. He stated that everyone else said what he was going to say.

Also present to speak in support of this case was Jim Gaspart, 6106 McCommas Boulevard, Dallas. He stated that he represents the owners Behringer Harvard. He mentioned that they are in support of this development.

Present to speak in support of this case was Terry Jones, 4206 Green Acres Circle. She stated that she and her father own the property company that

manages the Oak Lake HOA. She mentioned that this site will be the best one in Arlington and will not be seen.

Present to go on record in support of this case was John Jones, 4206 Green Acres Circle; Debbie and Randy Martin, 3408 Cotillion Drive; Karl Mueller, III, 7910 Twin Hills Drive, Houston; Elsa Louis, 3006 Oak Cove Road; Karen and Kelly Peterson, 4615 Kelsey Lane; Cherri Huddleston for Vinita Weaver, 3826 Foxfire Drive; William Butler, 5515 Valparaiso Trail; Iva Nell and David Kemp, 5205 Foxgrove Court; Ron Berggrenm, 5400 Bama Drive; Myron Ravenscroft, 5406 Valparaiso Trail; Matt Richards, 3303 Jerry Lane; Carmen and Paul Scales, 4110 Timberbrook Court; Ed Dalheim, 4701 Westhaven Road; Michael Yardley, 3015 Spring Oak Place; LaVerne Morrow, 4736 Oak Club Drive; Dolores and John Deller, 4706 Village Oak Drive; Robert Garnett, 4735 Oak Club Drive; Ann Henry, 4739 Oak Club Drive; Dorothy and Michael Seykora, 3020 Oak Cove Road; Lisa Milhoan, 5311 Rush Creek Drive; Juanita and Robert Antcliff, 3509 McKamy Oaks Trail; Jay Thomas, 2002 South Meadow Way Circle; Linda Ehton, 3508 McKamy Oaks Trail; Walter and Hazel Barnes, 4610 Colt Drive; Linda and Wallace Snoddy, 3603 McKamy Oaks Trail; Jack and Jimmie Crabtree, 4515 Colt Drive; Stephanie Withers, 4734 Silver Oak Lane; Dan Singel, 3006 Spring Oak Place; Penny and Darrell Brewer, 5104 Foxhaven Court; Frederick Jones, 5401 Bama Drive; Lynda and Russell Childs, 1038 CR 1470, Chico; James Robertson, 7045 Shadow Creek Court, Fort Worth; Susan Haelle, 4012 Coronet Lane; Sandra Hoover, 3204 Spring Oak Place; Rosel and Richard Gillain, 3201 Lake Oak Drive; Robert Fulton, 3224 Village Oak Drive; Geneva Heskett, 4715 Westhaven Road; Patricia Franks, 3228 Village Oak Drive; Belia Chapa, 3208 Spring Oak Place; Edward Robertson, 4700 Westhaven Road; Pam and Ben Durall, 3505 McKamy Oaks Trail; Kristen Adams, 5424 Wonder Drive, Fort Worth; Barbara Thalman, 2230 Glenco Terrace, Fort Worth; James Phipps, 4124 Meadow Park Drive; Joyce and John Derewitz, 6203 Gettysburg Drive; Doris Mitchell, 5400 School Hill Circle; Beverly and Richard Newth, 3200 Sand Springs Court; David and Mary Babek, 4109 Lorraine Drive; George Babek, 4617 Kelsey Lane; Danny Babek, 4000 Lorraine Drive; Sabrina and Carlos Meekins, 4808 Rye Glen Drive; Renea Coleman and Tommy Hoenig, 4203 Coronet Lane; Barry Smith, 4009 Coronet Lane; Barbara Senay, 3216 Village Oak Drive; Larry Ford, 3110 Spring Oak Place; Linda McGough, 2409 Villa Vera Drive; Wayne Sulak, 4711 Westhaven Road; John Denny, 4803 Sugar Tree Court; Jeff Pierce, 4003 Coronet Lane; Pete Diano, 4805 Sugar Tree Court; Lesley and Steve Berg, 4801 Sugar Tree Court; Fred Hoffman, 3506 McKamy Oaks Trail; Kyle Biery, 5209 Oak Lane; Leonard Griffin, 4124 Rye Glen Drive; Thomas Rasberry, 3007 Spring Oak Place; Pat and Zack Whitley, 3008 Lake Oak Drive; Kay Riley, 4732 Misty Oak Lane; Sally and Larry Jones, 3203 Jerry Lane; James Hyden, 3103 Lake Oak Drive; Tanya Stout, 3005 Lake Oak Drive; Nancy Redmon, 3515 McKamy Oaks Trail; Sandi Soedjono, 3609 McKamy Oaks Trail; Bea Stiles, 3206 Spring Oak Place; Dennis Evans, 3930 Lorraine Drive; Brent McQuirk, 3204 Village Oak Drive; Charles Watkins, 2412 Wimbledon Drive; Donna Wykoff and Clifton Marbury, 4118 Meadow Park Drive; Mona Evans 5406 School Hill Circle; Ivan Cordero, 3822 Foxfire Drive; Carolyn McNabb, 1771 Windswept Drive, Midlothian; Shana Healer, 4105 Celtic Drive; Patricia and J.W. Jarrell, 1727 Thomas Place, Fort Worth; Lindsey Connell, 5330 Pork Chop Hill, Fort Worth; Betty and Stan Sims, 3815 Drew Lane; Teresa Thornton, 3904 Drew Lane; Patsy Symank, 4721 Oak Club Drive; Wayne Watkins, 4110 Celtic Drive; Diane Lofton, 3838 Foxfire Drive; C. Renee Budden, 4114 Celtic Drive; Earle Bruce, 3204 Flintridge Court; Joe Clenendin, 4903 Sierra Vista Court; Christina Davis, 4114 Celtic Drive; Jacqueline Briggs, 3842 Foxfire Drive; Tara Ryan, 5203 Bama Drive; Linda Phipps, 4124 Meadow Park Drive; Fran Gibbs, 4729 Silver Oak Lane; Michael Kirby, 5003 Drew Court; Janice Lewis, 2421 Wimbledon Drive; Barbara and Hillard Adams, 4728 Silver Oak Lane; Jennifer Cangas, 5836 Minnow Drive, Fort Worth; Victoria Facciuolo, 2683 Crockett Street, Fort Worth; Janice Tyler, 3705 Pimlico Drive; Tamara Jackson, 3906 Drew Lane; Christina and Travis Eglin, 4202 Coronet Lane;

Klila and Bryan Caplan, 3018 Oak Cove Road; Delbert Sperry, 4042 Glenbrook Drive; Jared Bradford, 831 Grant Street, Burleson; John Daggs, 5204 Westwind Drive; Chris Wilson, 8406 Pecan Creek Drive; Betty Levey, 2909 Valparaiso Trail; Lois Scrimm, 2607 Valparaiso Trail; Teh Kuo, 4811 Springsong Lane; Robert Knezek, 4901 Racquet Club Drive; Debbie Trull, 3710 Indian Wells Drive; Carolyn and James Estes, Donna and Robert Bridgers, 3507 McKamy Oaks Trail; Sheila and Billy Dean Gilmore, 4121 Celtic Drive; Travis Teselle, 1200 Summit, Fort Worth; Betty and J. Mikal Crawford, 5409 Hunter Park Court; Misha and Chris Williams, 3805 Coronet Lane; Gary Loyd, 5203 Commander Court; Kevin O'Connor, 5211 Hideaway Court; Jacob Sumpter, MMA Texas, Inc., 200 East Abram Street; T. Brown, Chesapeake Energy, 100 Energy Way, Fort Worth.

Present to speak in opposition to this case was Robert Swaim, 2421 Villa Vera Drive. He stated that he lives within 600 feet of the well site. He mentioned that there is a lake behind his house that they don't want disturbed either by trucks or pollutants that would run into the stream. He said that Villa Vera Drive runs between Bowen and Bardin and two of the transportation routes will impact them. He stated that it is difficult to get onto Bowen now because of the traffic. He mentioned that the 19,000 trips per day on Bowen are cars and not heavy trucks. He said that he is a licensed architect and engineer and was on the Southwest Sector committee when it met to determine that they needed less industrial zoning in southwest Arlington and now they are zoning every vacant piece of property as industrial for drill sites. He stated that he is aware of the dangers of gases.

Also present to speak in opposition to this case was Lucy Brody, 2422 Villa Vera Drive. She stated that she doesn't feel that Chesapeake is going to be able to fix all the things that other speakers have said it will. She mentioned that she feels that the impact to their neighborhood is going to be immense. She said that Arlington is becoming more of an industrial city and is losing the beauty that it had before.

Also present to speak in opposition to this case was George Angadicheril, 4704 El Salvadore Court. He stated that he is the second house from the corner of Bardin and Bowen. He mentioned that he doesn't need a 24/7 drilling operation in his backyard. He said that he will be seeing the wall for at least five years because they have gone from saying just two wells to 22. He stated that there is a new school south of Bardin and the traffic is already bad.

Also present to speak in opposition to this case was Alan Lindahl, 2419 Courtland Drive. He stated that his major concern is for the traffic impact regardless of how temporary it may be. He mentioned that he agrees that it takes at least five minutes to get off their street onto Bowen. He said that he would like to have due consideration given to those residents that will be greatly impacted by the traffic.

Also present to speak in opposition to this case was Ella Jo McGovern, 4803 Villa Vera Drive. She stated that she is also concerned with the trucks and the traffic. She mentioned that it is very difficult to get out onto Bowen. She said that she thinks the City should help with the lake and not let the oil companies make the money.

Also present to speak in opposition to this case was Toni Fonseca, 2424 Villa Vera Drive. She stated that she worked at The Greenhouse Spa and that if this rig goes up next to it, they will be gone. She mentioned that property values are falling and people are moving out because of gas drilling.

Also present to speak in opposition to this case was John Shroyer, 2216 River Ridge Road. He stated that he wants the money just like everyone else, but the problem is that they are not going to get the money because Chesapeake is. He mentioned that they voted against this a year and a half ago. He said that Chesapeake did not get what they wanted, so they decided to do something different. He stated that the original contract that they signed was for north of I-20 but they didn't get that. He mentioned that they established a grass roots persuasion campaign and came to our neighborhood to get what they wanted. He said that it is the big outside corporation that is invading south Arlington and allowing us to basically make a few pennies out of the millions they will gain from this. He stated that he can sympathize with the Oak Park people. He mentioned that if the Commission approves this request that they attach an addendum to their proposal that garners \$250,000 for their lake. He said that a multi-million corporation with the millions they are going to make from this could afford to improve the quality of life for these elderly people.

Present to go on record in opposition to this case was Gordon Brody, 2422 Villa Vera Drive; Debbie Shroyer, 2216 River Ridge Road; George Hoyer, 2206 Racquet Club Court; Barbara Osborne, 2404 Oak Shadow Court; Elizabeth Swaim, 2421 Villa Vera Drive; Stephanie Stephens, 4809 Starmont Lane; Victor Fonseca, 2424 Villa Vera Drive; Regina and O. Sarmini, 5103 Timbercove Court; Kyle Schnable, 2608 Blue Quail Drive; Kenneth McElhanon, 4703 El Brevo Court; Herbert Otto, 2400 Oak Shadow Court; Annie and John Sovie, 2303 River Ridge Road; Ann Codlin, 2309 Newforest Court; Michelle Varga, 2307 Newforest Court; Roger McCaskey, 4712 El Salvador Court; Carol and Russell Poole, 2412 Green Park Drive; Linda Clearman, 4707 El Caballero Court; Chris Bagby, 2204 Sapphire Drive; Bob McGovern, 4803 Villa Vera Drive; B. Neal Perkey, 4708 El Caballero Court; Sharron Colburn, 4808 Tamanaco Court; Bill Jordan, 2410 Villa Vera Drive; Holly Switzer, 2504 Blue Quail Drive; Kay and Robert Nelson, 2301 River Ridge Road; Leann Peters, 5104 Timber Cove Court; Mary Ann and Walt Ambrose, 2303 Newforest Court; Brad Morgan 2506 Blue Quail Drive; William Campbell, 2403 Oak Shadow Court; Louis Heinze, 2402 Green Park Drive; Kimberly Frankland, 2708 Augusta Lane.

Rebuttal: Mr. Mycoskie stated that Chesapeake is as concerned about the health and environment and are going to comply with all the City ordinance requirements. He mentioned that they are going to improve the traffic signal. He said that it does benefit Chesapeake to have the trucks on the road and it will be synchronized. He stated that they have heard the concerns, are sensitive to them, and want to work with the neighborhood to build a good drill site. Mr. Davis stated that he would answer questions.

Chair McGlaun commented that earlier in the Work Session, Mr. Davis had stated that there are a couple of voluntary stipulations for them to read into the motion. He stated that Mr. Davis had said there would be no truck traffic from 7:00-8:30 a.m. and 4:30-6:00 p.m. and asked if they could extend that to 7:00-9:00 a.m. and 4:30-6:30 p.m. Mr. Davis replied that they would follow the Commission's recommendations.

Maurice Barksdale made a motion to approve Zoning Case ZA11-6 with the following stipulations:

1. Chesapeake will commit to use an electric rig at the Rush Creek site as long as diesel generators can be used for backup in case of power outages. The electric rig requirement can be temporarily lifted at the discretion of the Director of Planning.

2. No large truck traffic will enter or exit the site during the hours of 7:00-9:00 a.m. and 4:30-6:30 p.m. Monday through Friday. The truck hour restriction would not apply in cases of emergency and can be temporarily lifted if the Director of Planning deems the request is justified.

Seconded by Vera McKissic, the motion carried with the following vote:

AYES: Kevin McGlaun, Clete McAlister, Maurice Barksdale, Vera McKissic, Charla Hawkes Vinyard, and Samuel Smith, III

NAYS: None

ABSTAIN: Brandon Hill and Larry Fowler

APPROVED 6-0-2

C. Zoning Case SUP11-9
(Rush Creek Drill Site-4950 South Bowen Road)

Application for approval of a Specific Use Permit for gas drilling on approximately 4.426 acres zoned Planned Development (PD) Commercial Plan for data processing office and training center facilities; generally located south of West Interstate 20 Highway and west of South Bowen Road

Samuel Smith, III made a motion to approve Zoning Case SUP11-9 with the following stipulations:

1. Chesapeake will commit to use an electric rig at the Rush Creek site as long as diesel generators can be used for backup in case of power outages. The electric rig requirement can be temporarily lifted at the discretion of the Director of Planning.
2. No large truck traffic will enter or exit the site during the hours of 7:00-9:00 a.m. and 4:30-6:30 p.m. Monday through Friday. The truck hour restriction would not apply in cases of emergency and can be temporarily lifted if the Director of Planning deems the request is justified.

Seconded by Charla Hawkes Vinyard, the motion carried with the following vote:

AYES: Kevin McGlaun, Clete McAlister, Maurice Barksdale, Vera McKissic, Charla Hawkes Vinyard, and Samuel Smith, III

NAYS: None

ABSTAIN: Brandon Hill and Larry Fowler

APPROVED 6-0-2

Being no other business to come before the Commission, Chair McGlaun adjourned the meeting at 7:31 p.m.

Chair

ATTEST:

Secretary to the Commission
APPROVED this 4th day of January 2012